

Citation  
IL ST CH 220 s 5/9-201  
220 ILCS 5/9-201

Found Document

Rank 1 of 2

Database  
IL-ST-ANN

Formerly cited as IL ST CH 111 2/3 ¶ 9-201

**WEST'S SMITH-HURD ILLINOIS COMPILED STATUTES ANNOTATED**  
**CHAPTER 220. UTILITIES**  
**ACT 5. PUBLIC UTILITIES ACT**  
**ARTICLE IX. RATES**

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Current through P.A. 91-703, apv. 5/16/2000

5/9-201. *Change of rates or other matters--Notice--New schedules--Suspension of rates--Hearings*

§ 9-201. (a) Unless the Commission otherwise orders, and except as otherwise provided in this Section, no change shall be made by any public utility in any rate or other charge or classification, or in any rule, regulation, practice or contract relating to or affecting any rate or other charge, classification or service, or in any privilege or facility, except after 45 days' notice to the Commission and to the public as herein provided. Such notice shall be given by filing with the Commission and keeping open for public inspection new schedules or supplements stating plainly the change or changes to be made in the schedule or schedules then in force, and the time when the change or changes will go into effect, and by publication in a newspaper of general circulation or such other notice to persons affected by such change as may be prescribed by rule of the Commission. The Commission, for good cause shown, may allow changes without requiring the 45 days' notice herein provided for, by an order specifying the changes so to be made and the time when they shall take effect and the manner in which they shall be filed and published.

When any change is proposed in any rate or other charge, or classification, or in any rule, regulation, practice, or contract relating to or affecting any rate or other charge, classification or service, or in any privilege or facility, such proposed change shall be plainly indicated on the new schedule filed with the Commission, by some character to be designated by the Commission, immediately preceding or following the item.

When any public utility providing water or sewer service proposes any change in any rate or other charge, or classification, or in any rule, regulation, practice, or contract relating to or affecting any rate or other charge, classification or service, or in any privilege or facility, such utility shall, in addition to the other notice requirements of this Act, provide notice of such change to all customers potentially affected by including a notice and description of such change, and of Commission procedures for intervention, in the first bill sent to each such customer after the filing of the proposed change.

(b) Whenever there shall be filed with the Commission any schedule stating an individual or joint rate or other charge, classification, contract, practice, rule or regulation, the Commission shall have power, and it is hereby given authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders, without answer or other formal pleadings by the interested public utility or utilities, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate or other charge, classification, contract, practice, rule or regulation, and pending the hearing and decision thereon, such rate or other charge, classification, contract, practice, rule or regulation shall not go into effect. The period of suspension of such rate or other charge, classification, contract, practice, rule or regulation shall not extend more than 105 days beyond the time when such rate or other charge, classification, contract, practice, rule or regulation would otherwise go into effect unless the Commission, in its discretion, extends the period of suspension for a further period not exceeding 6 months.

All rates or other charges, classifications, contracts, practices, rules or regulations not so suspended shall, on the expiration of 45 days from the time of filing the same with the Commission, or of such lesser time as the Commission may grant, go into effect and be the established and effective rates or other charges, classifications, contracts,

practices, rules and regulations, subject to the power of the Commission, after a hearing had on its own motion or upon complaint, as herein provided, to alter or modify the same.

Within 30 days after such changes have been authorized by the Commission, copies of the new or revised schedules shall be posted or filed in accordance with the terms of Section 9-103 of this Act, in such a manner that all changes shall be plainly indicated.

(c) If the Commission enters upon a hearing concerning the propriety of any proposed rate or other charge, classification, ~~contract, practice, rule or regulation~~, the Commission shall establish the rates or other charges, classifications, ~~contracts, practices, rules or regulations proposed~~, in whole or in part, or others in lieu thereof, which it shall find to be just and reasonable. In such hearing, the burden of proof to establish the justness and reasonableness of the proposed rates or other charges, classifications, contracts, practices, rules or regulations, in whole and in part, shall be upon the utility. No rate or other charge, classification, contract, practice, rule or regulation shall be found just and reasonable unless it is consistent with Sections of this Article.

#### CREDIT(S)

1993 Main Volume

Laws 1921, p. 702, § 9-201, added by P.A. 84-617, § 1, eff. Jan. 1, 1986.

#### FORMER REVISED STATUTES CITATION

1993 Main Volume

Formerly Ill.Rev.Stat.1991, ch. 111 2/3 , ¶ 9-201.

<General Materials (GM) - References, Annotations, or Tables>

#### HISTORICAL AND STATUTORY NOTES

##### Prior Laws:

Laws 1913, p. 478, § 36.  
 Laws 1921, p. 702, art. IV, § 36.  
 Laws 1933, p. 841, § 1.  
 Laws 1955, p. 2022, § 1.  
 Laws 1961, p. 1403, § 1.  
 Laws 1965, p. 1679, § 1.  
 P.A. 79-1137, § 1.  
 P.A. 80-1158, § 1.  
 P.A. 82-1042, § 1.  
 P.A. 83-241, § 1.  
 P.A. 83-630, § 1.  
 P.A. 83-945, § 23.  
 P.A. 83-1120, § 1.  
 P.A. 83-1362, Art. II, § 124.  
 P.A. 83-1535, § 1.  
 P.A. 83-1540, § 1.  
 P.A. 84-126, Art. VI, § 23, eff. Aug. 1, 1985.  
 P.A. 84-166, § 3, eff. Aug. 16, 1985.  
 P.A. 84-307, § 3, eff. Sept. 14, 1985.  
 P.A. 84-832, Art. II, § 14, eff. Sept. 23, 1985.  
 Ill.Rev.Stat.1983, ch. 111 2/3 , ¶ 36.

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IL ST CH 220 s 5/9-202  
220 ILCS 5/9-202

Found Document

Rank 1 of 1

Database  
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Formerly cited as IL ST CH 111 2/3 ¶ 9-202

**WEST'S SMITH-HURD ILLINOIS COMPILED STATUTES ANNOTATED**  
**CHAPTER 220. UTILITIES**  
**ACT 5. PUBLIC UTILITIES ACT**  
**ARTICLE IX. RATES**

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Current through P.A. 91-703, apv. 5/16/2000

*5/9-202. Temporary schedule of rates*

§ 9-202. (a) Whenever the Commission is of the opinion and so finds after an examination of any report or reports, annual or otherwise, filed with the Commission by any public utility, together with any other facts or information which the Commission may acquire or receive from an investigation of the books, records or papers or from an inspection of the property of such public utility, that the net income of such public utility after reasonable deductions for depreciation and other proper and necessary reserves, is in excess of the amount required for a reasonable return upon the value of said public utility's property used and useful in rendering its service to the public, provided however that in computing net income, deductions shall not be made for advertising expenses as prohibited under Section 9-225 of this Act, and if the Commission is of the opinion and so finds in said cause that a hearing to determine all of the issues involved in a final determination of rates or services will require more than 105 days of elapsed time, the Commission shall have the power in cases of such emergency and it is hereby given authority to at once enter a temporary order, after notice to said public utility, fixing a temporary schedule of rates, which order shall be forthwith binding upon said public utility; provided, however, that the Commission's power to order reductions in rates and charges of any public utility by means of any such temporary order, is limited to reductions which will absorb not more than the amount found by the Commission to be in excess of the amount of income as determined by the Commission necessary to provide a reasonable return on the value of the property of said public utility as found by the Commission as aforesaid; and provided, further, however, that no such temporary order shall remain in force or effect for a longer period than 9 months from its effective date, and a further period not to exceed 3 months in addition if so ordered by the Commission; and provided, further, that if upon the final disposition of the issues involved in such proceeding, the rates or charges as finally determined by said Commission or the court having jurisdiction of the subject matter are in excess of the rates and charges prescribed in said temporary order, then and in such event such public utility shall be permitted over such reasonable time as the Commission shall fix, to amortize and recover by means of a temporary increase over and above the rates and charges finally determined, such sum as shall represent the difference between the gross income obtained from the rates and charges prescribed in said temporary reduction order and the gross income which would have obtained, during the period such temporary reduction order was in effect, based upon the same volume, from the rates and charges finally determined.

(b) If the Commission enters upon a hearing concerning the propriety of any proposed rate or other charge, classification, contract, practice, rule or regulation pursuant to Section 9-201, and if the Commission is of the opinion and so finds in said cause that a hearing to determine all of the issues involved in a final determination of rates or services will require more than 120 days of elapsed time, the Commission shall have the power to enter a temporary order fixing a temporary schedule of rates after hearing, which order shall be forthwith binding upon the public utility. As soon as practicable after the effective date of this amendatory Act of 1985, the Commission shall determine by rule the facts and circumstances which must be established by the utility in order to justify the grant of a temporary rate increase as provided herein. The Commission shall determine any temporary rate increase according to previously established standards until the time such rules become effective.

In any case in which the Commission grants interim relief, the Commission shall, upon final disposition of the

proposed permanent change in rates or other charges, classification, contract, practice, rule or regulation, also review the propriety of its prior award of interim relief based upon the criteria used by the Commission in granting the interim rate relief. If, upon such review, the Commission determines that such interim rates or charges were in excess of the rates or charges which should have been prescribed in its temporary order, the Commission shall require the public utility to refund such sum as shall represent the difference between the gross income obtained from the rates or charges prescribed in said temporary increase order and the gross income which would have been obtained during the period such temporary increase order was in effect based upon the same volume, from the rates and charges which the Commission upon final review determines were appropriate. Any refund shall include interest calculated at a rate determined by the Commission and shall be returned according to procedures prescribed by the Commission.

## CREDIT(S)

## 1993 Main Volume

Laws 1921, p. 702, § 9-202, added by P.A. 84-617, § 1, eff. Jan. 1, 1986. Amended by P.A. 84-1118, § 3, eff. April 14, 1986.

## FORMER REVISED STATUTES CITATION

## 1993 Main Volume

Formerly Ill.Rev.Stat.1991, ch. 111 2/3 , ¶ 9-202.

<General Materials (GM) - References, Annotations, or Tables>

## HISTORICAL AND STATUTORY NOTES

## Prior Laws:

Laws 1913, p. 478, § 36.  
 Laws 1921, p. 702, art. IV, § 36.  
 Laws 1933, p. 841, § 1.  
 Laws 1955, p. 2022, § 1.  
 Laws 1961, p. 1403, § 1.  
 Laws 1965, p. 1679, § 1.  
 P.A. 79-1137, § 1.  
 P.A. 80-1158, § 1.  
 P.A. 82-1042, § 1.  
 P.A. 83-241, § 1.  
 P.A. 83-630, § 1.  
 P.A. 83-945, § 23.  
 P.A. 83-1120, § 1.  
 P.A. 83-1362, Art. II, § 124.  
 P.A. 83-1535, § 1.  
 P.A. 83-1540, § 1.  
 P.A. 84-126, Art. VI, § 23, eff. Aug. 1, 1985.  
 P.A. 84-166, § 3, eff. Aug. 15, 1985.  
 P.A. 84-307, § 3, eff. Sept. 14, 1985.  
 P.A. 84-832, Art. II, § 14, eff. Sept. 23, 1985.  
 Ill.Rev.Stat.1983, ch. 111 2/3 , ¶ 36.

## ADMINISTRATIVE CODE REFERENCES

Determination of temporary rate increases, see 83 Ill. Adm. Code 330.10 et seq.

Citation  
IL ST CH 220 s 5/9-221  
220 ILCS 5/9-221

Found Document

Rank 1 of 2

Database  
IL-ST-ANN

Formerly cited as IL ST CH 111 2/3 ¶ 9-221

**WEST'S SMITH-HURD ILLINOIS COMPILED STATUTES ANNOTATED**  
**CHAPTER 220. UTILITIES**  
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**ARTICLE IX. RATES**

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Current through P.A. 91-703, apv. 5/16/2000

5/9-221. Tax on public utility by municipality--Additional charge to customers

§ 9-221. Whenever a municipality pursuant to Section 8-11-2 of the Illinois Municipal Code, as heretofore and hereafter amended, [FN1] imposes a tax on any public utility, such utility may charge its customers, other than customers who are certified business enterprises under paragraph (e) of Section 8-11-2 of the Illinois Municipal Code or are exempted from those taxes under paragraph (f) of that Section, to the extent of such exemption and during the period in which such exemption is in effect, in addition to any rate authorized by this Act, an additional charge equal to the sum of (1) an amount equal to such municipal tax, or any part thereof (2) 3% of such tax, or any part thereof, as the case may be, to cover costs of accounting, and (3) an amount equal to the increase in taxes and other payments to governmental bodies resulting from the amount of such additional charge. Such utility shall file with the Commission a true and correct copy of the municipal ordinance imposing such tax; and also shall file with the Commission a supplemental schedule applicable to such municipality which shall specify such additional charge and which shall become effective upon filing without further notice. Such additional charge shall be shown separately on the utility bill to each customer. The Commission shall have power to investigate whether or not such supplemental schedule correctly specifies such additional charge, but shall have no power to suspend such supplemental schedule. If the Commission finds, after a hearing, that such supplemental schedule does not correctly specify such additional charge, it shall by order require a refund to the appropriate customers of the excess, if any, with interest, in such manner as it shall deem just and reasonable, and in and by such order shall require the utility to file an amended supplemental schedule corresponding to the finding and order of the Commission.

**CREDIT(S)**

1993 Main Volume

Laws 1921, p. 702, § 9-221, added by P.A. 84-617, § 1, eff. Jan. 1, 1986. Amended by P.A. 84-1093, § 3, eff. Jan. 1, 1986; P.A. 84-1118, § 3, eff. April 14, 1986; P.A. 87-895, Art. 3, § 3-80, eff. Aug. 14, 1992.

2000 Electronic Update

Amended by P.A. 88-132, § 10, eff. Jan. 1, 1994.

**FORMER REVISED STATUTES CITATION**

1993 Main Volume

Formerly Ill.Rev.Stat.1991, ch. 111 2/3 , ¶ 9-221.

[FN1] 65 ILCS 5/8-11-2.

## &lt; General Materials (GM) - References, Annotations, or Tables &gt;

## HISTORICAL AND STATUTORY NOTES

P.A. 84-1093, in first sentence, inserted reference to customers who are certified business enterprises; and, in the third sentence, following "charge shall", deleted "be made by the addition of a uniform percentage to the amounts payable for intrastate utility service in such municipality and shall".

P.A. 84-1118, incorporating the amendment by P.A. 84-1093, in the first sentence of the first paragraph inserted "to the extent of such exemption and".

P.A. 87-895, Art. 3, of the First 1992 General Revisory Act, amends various Acts to delete obsolete text, to correct patent and technical errors, and to revise cross-references.

P.A. 88-132, in the sentence allowing a public utility to charge its customers an additional amount if the utility is taxed by a municipality, inserted the exception of those customers who are exempted from such taxes under § 8-11-2 of the Illinois Municipal Code.

**Prior Laws:**

Laws 1913, p. 478, § 36.  
Laws 1921, p. 702, art. IV, § 36.  
Laws 1933, p. 841, § 1.  
Laws 1955, p. 2022, § 1.  
Laws 1961, p. 1403, § 1.  
Laws 1965, p. 1679, § 1.  
P.A. 79-1137, § 1.  
P.A. 80-1158, § 1.  
P.A. 82-1042, § 1.  
P.A. 83-241, § 1.  
P.A. 83-630, § 1.  
P.A. 83-945, § 23.  
P.A. 83-1120, § 1.  
P.A. 83-1362, Art. II, § 124.  
P.A. 83-1535, § 1.  
P.A. 83-1540, § 1.  
P.A. 84-126, Art. VI, § 23.  
P.A. 84-166, § 3.  
P.A. 84-307, § 3.  
P.A. 84-832, Art. II, § 14.  
Ill.Rev.Stat.1983, ch. 111 2/3 , ¶ 36.

## NOTES OF DECISIONS

Accounting costs 5  
Deductions 4  
Demand charges 3.5  
Due process 1  
Exemptions 3  
Interest 7  
Itemization 8  
Overcharges 6  
Tax collection 2

Citation  
IL ST CH 220 s 5/9-222  
220 ILCS 5/9-222

Found Document

Rank 1 of 4

Database  
IL-ST-ANN

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**ARTICLE IX. RATES**

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Current through P.A. 91-703, apv. 5/16/2000

5/9-222. Taxes on public utilities--Additional charge to customers

§ 9-222. Whenever a tax is imposed upon a public utility engaged in the business of distributing, supplying, furnishing, selling gas for use or consumption pursuant to Section 2 of The Gas Revenue Tax Act, [FN1] or whenever a tax is imposed upon a public utility in the business of distributing, supplying, furnishing or selling electricity for use or consumption pursuant to Section 2 of The Public Utilities Revenue Act, [FN2] or whenever a tax is imposed upon a public utility pursuant to Section 2-202 of this Act, such utility may charge its customers, other than customers who are high impact businesses under Section 5.5 of the Illinois Enterprise Zone Act, [FN3] or certified business enterprises under Section 9-222.1 of this Act, to the extent of such exemption and during the period in which such exemption is in effect, in addition to any rate authorized by this Act, an additional charge equal to the total amount of such taxes. The exemption of this Section relating to high impact businesses shall be subject to the provisions of subsections (a) and (b) of Section 5.5 of the Illinois Enterprise Zone Act. This requirement shall not apply to taxes on invested capital imposed pursuant to the Messages Tax Act, [FN4] the Gas Revenue Tax Act [FN5] and the Public Utilities Revenue Act. [FN6] Such utility shall file with the Commission a supplemental schedule which shall specify such additional charge and which shall become effective upon filing without further notice. Such additional charge shall be shown separately on the utility bill to each customer. The Commission shall have the power to investigate whether or not such supplemental schedule correctly specifies such additional charge, but shall have no power to suspend such supplemental schedule. If the Commission finds, after a hearing, that such supplemental schedule does not correctly specify such additional charge, it shall by order require a refund to the appropriate customers of the excess, if any, with interest, in such manner as it shall deem just and reasonable, and in and by such order shall require the utility to file an amended supplemental schedule corresponding to the finding and order of the Commission. Except with respect to taxes imposed on invested capital, such tax liabilities shall be recovered from customers solely by means of the additional charges authorized by this Section.

**CREDIT(S)**

1993 Main Volume

Laws 1921, p. 702, § 9-222, added by P.A. 84-617, § 1, eff. Jan. 1, 1986. Amended by P.A. 84-1093, § 3, eff. Jan. 1, 1986; P.A. 84-1118, § 3, eff. April 14, 1986; P.A. 85-1182, § 2, eff. Jan. 1, 1989.

**FORMER REVISED STATUTES CITATION**

1993 Main Volume

Formerly Ill.Rev.Stat.1991, ch. 111 2/3 , ¶ 9-222.

[FN1] 35 ILCS 615/2.

[FN2] 35 ILCS 620/2.

[FN3] 20 ILCS 655/5.5.

[FN4] 35 ILCS 610/1 et seq.

[FN5] 35 ILCS 615/1 et seq.

[FN6] 35 ILCS 620/1 et seq.

< General Materials (GM) - References, Annotations, or Tables >

### HISTORICAL AND STATUTORY NOTES

P.A. 84-1093 rewrote the section, which read as added by P.A. 84-617:

"Whenever a tax is imposed upon a public utility engaged in the business of transmitting messages pursuant to Section 2 of The Messages Tax Act, or whenever a tax is imposed upon a public utility engaged in the business of distributing, supplying, furnishing, selling gas for use or consumption pursuant to Section 2 of The Gas Revenue Tax Act, or whenever a tax is imposed upon a public utility in the business of distributing, supplying, furnishing or selling electricity for use or consumption pursuant to Section 2 of The Public Utilities Revenue Act, or whenever a tax is imposed upon a public utility pursuant to Section 2-202 of this Act, such utility may charge its customers, in addition to any rate authorized by this Act, an additional charge equal to the total amount of such taxes. This requirement shall not apply to taxes on invested capital imposed pursuant to the Messages Tax Act, the Gas Revenue Tax Act and the Public Utilities Revenue Act. Such utility shall file with the Commission a supplemental schedule which shall specify such additional charge and which shall become effective upon filing without further notice. Such additional charge shall be made by the addition of a uniform percentage to the amounts payable for intrastate utility service and the total amount of such charge shall be shown separately on the utility bill to each customer. The Commission shall have the power to investigate whether or not such supplemental schedule correctly specifies such additional charge, but shall have no power to suspend such supplemental schedule. If the Commission finds, after a hearing, that such supplemental schedule does not correctly specify such additional charge, it shall by order require a refund to the appropriate customers of the excess, if any, with interest, in such manner as it shall deem just and reasonable, and in and by such order shall require the utility to file an amended supplemental schedule corresponding to the finding and order of the Commission. Such tax liabilities shall be recovered from customers solely by means of the additional charges authorized by this paragraph. Prior to January 1, 1984, each public utility shall file rate schedules showing rate changes required by this Act. The Illinois Commerce Commission may order reductions in utility rates to reflect the removal of the additional charges authorized by this paragraph from the base rate. The reenactment of this paragraph is not intended to make any change in the meaning of any provision of this paragraph."

P.A. 84-1118, incorporating the amendment by P.A. 84-1093, in the first sentence inserted "to the extent of such exemption and".

P.A. 85-1182, in the first sentence, inserted "high impact businesses under Section 5.5 of the Illinois Enterprise Zone Act, or;" and inserted "The exemption of this Section relating to high impact businesses shall be subject to the provisions of subsections (a) and (b) of Section 5.5 of the Illinois Enterprise Zone Act."

#### Prior Laws:

Laws 1913, p. 478, § 36.

Laws 1921, p. 702, art. IV, § 36.

Laws 1933, p. 841, § 1.

Laws 1955, p. 2022, § 1.

Laws 1961, p. 1403, § 1.

Laws 1965, p. 1679, § 1.

P.A. 79-1137, § 1.



P.A. 80-1158, § 1.  
P.A. 82-1042, § 1.  
P.A. 83-241, § 1.  
P.A. 83-630, § 1.  
P.A. 83-945, § 23.  
P.A. 83-1120, § 1.  
P.A. 83-1362, Art. II, § 124.  
P.A. 83-1535, § 1.  
P.A. 83-1540, § 1.  
Ill.Rev.Stat.1983, ch. 111 2/3 , ¶ 36.

NOTES OF DECISIONS

Allowable expenses 1  
Amount of charge 2  
Line itemization 4  
Overcharges 3